THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 13th September, 2006

W.P.Nos.10456 and 10458 of 2004

-

W.P.No.10456 of 2004

Between:

Md. Raheemuddin … Petitioner

and

The Sub-Collector, Mulug,
Warangal district and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.Nos.10456 and 10458 of 2004

COMMON ORDER:

W.P.No.10456 of 2004

This Writ Petition is filed seeking a Mandamus declaring the Proceedings in Rc.No.I/3305/2003, dated 4-6-2003 of the Assistant Collector, Mulugu in appointing the 4th respondent as fair price shop dealer of Rajakkapalli village in place of the petitioner as confirmed by the 2nd respondent in Appeal No.8/2003, dated 11-7-2003 and by the 3rd respondent, in revision, in File No.F3/849/2003, dated 24-12-2003 as arbitrary and illegal.

It appears that the wife of the petitioner was appointed as a permanent dealer of the fair price shop of Rajakkapalli village, Regonda Mandal of Warangal District. Unfortunately, she died during the subsistence of the authorization, on 22-10-2001. Therefore, the petitioner, being the husband of the fair price shop dealer, was appointed on temporary basis with effect from 22-12-2001 and he continued the business for about 1½ years. Since the regular fair price shop dealer died, a notification dated 1-5-2003 was issued for filling up the said vacancy. Petitioner also applied along with the 4th respondent and others. Further, it seems, he made a representation before the 3rd respondent-District Collector and on the basis of the same, the 3rd respondent seems to have addressed a letter to the 1st respondent on 24-5-2003 to give a preferential right to the petitioner, if

everything being equal. However, after the interviews were conducted and on verifying the antecedents, the 1st respondent appointed the 4th respondent as a fair price shop dealer of the said shop with effect from 4-6-2003. Aggrieved by the same, the petitioner filed an appeal before the 2nd respondent-Joint Collector. Respondent No.2 dismissed the same and confirmed the Order of the 1st respondent dated 4-6-2003. Challenging the same, the petitioner carried the matter in revision and the 3rd respondent-District collector also dismissed the same on 24-12-2003. Assailing the said orders, the present Writ Petition is filed.

Heard both sides and perused the entire material made available on record.

It appears that though the petitioner filed an appeal before the 2nd respondent and further carried the matter in revision before the 3rd respondent against the Order of the 1st respondent, the whole burden of song is that he being the husband of a deceased fair price shop dealer, should have been given preferential treatment and the temporary dealership conferred on him should have been continued. Merely because, the petitioner is the husband of a deceased fair price shop dealer, he is entitled neither for any preferential treatment nor absorption as a regular fair price shop dealer. By issuing a notification dated 1-5-2003 and appointing the 4th respondent as a fair price shop dealer on the permanent basis, the 1st respondent has not committed any error. So also, respondents 2 and 3 have not committed any infirmity in dismissing the appeal and revision respectively, filed by the petitioner. The impugned Order of the 1st respondent as confirmed by respondents 2 and 3 does not call for interference of this Court under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

W.P.No.10458 of 2004

For the very same reasons mentioned while disposing of the said W.P.No.10456 of 2004, this Writ Petition is also liable to be dismissed.

Accordingly, this Writ Petition is also dismissed. No order as to costs.

13-9-2006

prk